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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,506	08/06/2001	Victor S. Moore	BOC9-2001-0006(241)	1774
7590 10/06/2005			EXAMINER	
Gregory A. Nelson 222 Lakeview Avenue., Fourth Floor P.O. Box 3188 West Palm Beach, FL 33401			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/923,506	<b>Applicant(s)</b> MOORE ET AL.	
	<b>Examiner</b> Md S. Elahee	<b>Art Unit</b> 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 08/22/05 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-5, 7-9 and 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. (U.S. Patent No. 6,732,176).

Regarding claims 1 and 9, Stewart teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured both to provide network provider [i.e., ASP] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a Local area network [i.e., personal area network (PAN)], and also to receive provider services from other providers in the computer communications network over the physical

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communications link medium (abstract; fig. 1, 6; col.5, lines 2-14, 25-35, 55-61, col.6, lines 15-28).

Stewart further teaches establishing a short-range radio communications link with a PCD in the Local area network (fig.6; col.5, lines 2-14, col.10, lines 38-52).

Stewart further teaches receiving requests for selected provider services from the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28).

Stewart further teaches determining if the wireless access point can provide the requested provider services without requiring further assistance from another provider (col.5, lines 63-67, 55-62, col.6, lines 1-4, 15-28, 62-67, col.7, lines 1-3).

Stewart further teaches if the wireless access point cannot provide the requested provider services without requiring further assistance from another provider, retrieving the requested provider services from another provider over the physical communications link medium and forwarding retrieved provider services to the PCD in the Local area network over the short-range radio communications link (col.7, lines 4-23).

Regarding claims 3, 4, 11 and 12, Stewart teaches establishing an 802.11 standard [i.e., IEEE 802.11b and IEEE 802.11a] based communications link with said portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Regarding claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches a list of provider services which can be accessed by the PCDs in the Local area network, the list indicating which provider services can be distributed to the PCDs in the Local area network, the provider services in the list residing locally in the

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wireless access point and remotely in provider servers in the communications network (col.5, lines 36-50, 55-62, col.6, lines 15-28, col.7, lines 30-32, 46-61, col.8, lines 4-9, 35-49).

Regarding claims 7 and 8, a short-range radio communications system configured in accordance with 802.11 standard [i.e., IEEE 802.11a and IEEE 802.11b] (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.6, lines 15-28, col.8, lines 4-9).

Regarding claim 14, Stewart teaches the list of Available Service Provider services is transmitted to the PCD in response to a request [i.e., query] transmitted by the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 15, Stewart teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (col.5, lines 55-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 16, Stewart teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 17, Stewart teaches prompting the PCD to register with the Available Service Providers if the PCD is not a valid subscriber (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 18, Stewart teaches that the list of available services is determined based upon at least one of prioritization, transaction statistics, resources of the PCD, and resources of the communications system (fig.4; col.7, lines 30-45, col.11, line 17-col.12, line 10).

4. Claims 1, 5, 9 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart et al. (U.S. Patent No. 6,732,176).

Regarding claims 1 and 9, Stewart teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured both to provide network provider [i.e., ASP] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a wireless local area network [i.e., personal area network (PAN)], and also to receive provider services from other providers in the computer communications network over the physical communications link medium (abstract; fig.1; col.5, line 29-col.6, line 16).

Stewart further teaches establishing a short-range radio communications link with a PCD in the local area network (col.6, lines 1-16).

Stewart further teaches receiving requests for selected provider services from the PCD (col.7, lines 50-67, col.6, lines 1-13, col.9, lines 35-67, col.10, lines 1-5, 34-40).

Stewart further teaches determining if the wireless access point can provide the requested provider services without requiring further assistance from another provider (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61).

Stewart further teaches if the wireless access point cannot provide the requested provider services without requiring further assistance from another provider, retrieving the requested provider services from another provider over the physical communications link medium and forwarding retrieved provider services to the PCD in the Local area network over the short-range radio communications link (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61).

Regarding claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches a list of provider services which can be accessed by the PCDs in the Local area network, the list indicating which provider services can be distributed to the PCDs in the Local area network, the provider services in the list residing locally in the wireless access point and remotely in provider servers in the communications network (col.9, lines 23-27, 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.15, lines 47-53).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.9, lines 23-27, col.15, lines 47-53).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (U.S. Patent No. 6,732,176) in view of Acampora (U.S. Patent No. 6,751,455).

Regarding claims 2 and 10, Stewart teaches establishing an IEEE 802.11-based communications link with the portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

However, Stewart does not specifically teach BLUETOOTH-based communications link. Acampora teaches BLUETOOTH-based communications link (col.7, lines 25-32). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stewart to incorporate BLUETOOTH-based communications link as taught by



Acampora. The motivation for the modification is to have doing so in order to provide user with a specific standard for a communication range.

Regarding claim 6 is rejected for the same reasons as discussed above with respect to claim 2.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koodli (U.S. Patent No. 6,571,095) teach System and method for providing address discovery of services in mobile networks and Campbell (U.S. Patent No. 6,453,029) teach Debit card system without centralized server.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

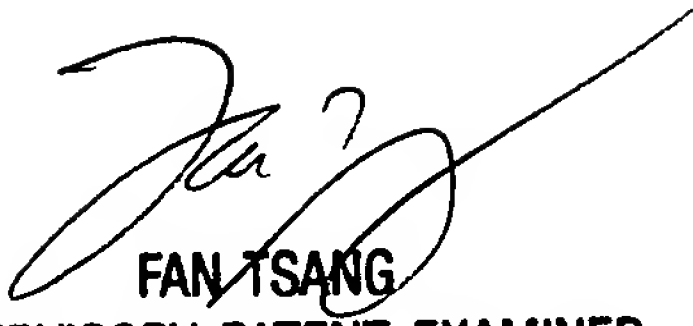
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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September 25, 2005



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